IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.37936-M of 2005

Date of Decision: 2.7.2007

Sajjan Kumar Bansal

....Petitioner.

Versus

State of Haryana and others.

...Respondents.

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Present:- Mr.Hemant Bassi , Advocate
for the petitioner.

Mr.Vikas Chaudhary, AAG Haryana
for respondents No.1 to 3.

Mr. Salil K. Srivastava, Advocate
for respondent No.4.

Mr. BR Gupta, Advocate
for respondent No.5.

None for respondent No.6.

S.S.SARON, J.(ORAL)

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Counter affidavit on behalf of respondents No.4 filed in Court today is taken on record.

This petition under Section 482 Cr.P.C. has been filed praying for directing respondents no.1 and 2 to register a FIR against respondents No.5 and 6 and further directing respondents No.3 and 4 to take appropriate action against respondents No.5 and 6 in accordance with law.

The petitioner is aggrieved by the inaction on the part of the official respondents in not effectively dealing with the case regarding the

demise of Smt. Saroj Devi, who is the brother's wife of the petitioner. It is submitted that the deceased Smt. Saroj Devi died due to the careless and callous attitude of respondents No.5 and 6.

After hearing learned counsel for the parties and perusing the record it may appropriately to be noticed that the present petition invokes disputed questions of facts, which are not liable to be gone into in exercise of the inherent jurisdiction of this Court. Besides, the petitioner has alternative remedy of filing a private complaint in terms of Section 190 read with Section 200 Cr.P.C. In case such a complaint is filed, the Magistrate having jurisdiction over the matter is required to deal with the same in accordance with the procedure provided in Chapter XV of the Cr.P.C. Besides he can also issue directions to the police for investigation of the case in accordance with procedure provided for under Chapter XII of the Cr.P.C. On such investigation a report is required to be submitted. In case the complaint is found to be without merit, the same is liable to be dismissed in terms of Section 203 Cr.P.C.

In the circumstances, keeping in view the disputed questions of facts involved it would be improper in the facts and circumstances to go into the merits of the case or issue directions for registration of FIR in exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C.

The petitioner, if so advised, may seek his remedy by filing a private complaint in accordance with law.

The criminal miscellaneous petition is disposed of accordingly.

(S.S.SARON)

July 02, 2007. **JUDGE**

Reema